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F.#2005R00541

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 13 2005 (M)
BROOKLYN OFFICE

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IN THE MATTER OF A REQUEST FROM
TURKEY PURSUANT TO THE TREATY ON
EXTRADITION AND MUTUAL ASSISTANCE
IN CRIMINAL MATTERS BETWEEN THE
UNITED STATES OF AMERICA AND THE
REPUBLIC OF TURKEY

O R D E R

MISC 05 0100
Misc. No.

ROSS, J.

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Upon application of the United States, and upon review of the request from Turkey seeking evidence under the Treaty on Extradition and Mutual Assistance in Criminal Matters Between the United States of America and the Republic of Turkey (the "Treaty"), which entered into force January 1, 1981, 32 U.T.S. 3111, 1981 WL 375754, and the Court having fully considered this matter,

IT IS HEREBY ORDERED, pursuant to the authority conferred by the Treaty, as well as 28 U.S.C. § 1782 and this Court's inherent authority, that Assistant United States Attorney Cameron Elliot is appointed as Commissioner of this Court and hereby directed to take such steps as are necessary to execute the request. In doing so, the Commissioner is not required to follow the Federal Rules of Civil Procedure, and the following rules shall govern:

1. the Commissioner may issue commissioner's

subpoenas to be served at any place within the United States on persons (natural and artificial) ordering them or their representatives to appear and to testify and produce evidence located within the United States;

2. the Commissioner shall adopt procedures to collect the evidence requested consistent with its use in the investigation or proceeding for which it has been requested, which procedures may be specified in the request or provided by or with the approval of the Republic of Turkey under the Treaty;

3. the Commissioner, in collecting the evidence requested, may be accompanied by persons whose presence or participation is authorized by the Commissioner, including, without limitation, specials agents of the Federal Bureau of Investigation and/or representatives of the Republic of Turkey who, as authorized or directed by the Commissioner, may direct questions to any witness;

4. any person from whom the Commissioner seeks to collect evidence may, for good cause shown, oppose the giving of evidence, or the circumstances thereof, by motion timely filed with this Court, a copy of which shall be provided contemporaneously to the Commissioner;

5. the Commissioner may seek such further orders of this Court as may be necessary to execute this request, including orders to show cause why persons served with Commissioner's

subpoenas who fail to comply with the subpoenas should not be held in contempt; and

6. the Commissioner shall certify and submit the evidence collected to the Office of International Affairs, Criminal Division, U.S. Department of Justice, or as otherwise directed by that office for transmission to the Republic of Turkey.

Dated: Brooklyn, New York
May 13, 2005


UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK